

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

RICHARD L. HOWARD,	)	
	)	
Plaintiff,	)	
v.	)	No. 1:05-cv-301
	)	<i>Edgar</i>
WALTER HICKMAN,	)	
LINDA HICKMAN, and	)	
DEBBIE ERWIN,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

The Court is in receipt of a *pro se* prisoner's civil rights complaint under 42 U.S.C. § 1983 and an application to proceed *in forma pauperis*. It appears from the application that the plaintiff lacks sufficient financial resources to pay the \$ 250.00 filing fee. Accordingly, pursuant to 28 U.S.C. § 1915(b)(4), the Clerk is **DIRECTED** to file this action without the prepayment of costs or fees or security therefor as of the date the complaint was received.

Plaintiff is an inmate in the Meigs County Jail. He alleges a denial of medical treatment. The defendants are Meigs County Sheriff Walter Hickman, Jail Administrator Linda Hickman, and Assistant Jail Administrator Debbie Erwin. Plaintiff has stated no factual allegations against Debbie Erwin and she is **DISMISSED** as a defendant.

The Clerk is **DIRECTED** to send the plaintiff a service packet (a blank summons and USM 285 form) for defendants Walter Hickman and Linda Hickman.<sup>1</sup> The plaintiff is

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<sup>1</sup>Before a prisoner may bring a civil rights action pursuant to

**ORDERED** to complete the service packets and return them to the Clerk's Office within twenty (20) days of the date of receipt of this Order. At that time the summonses will be signed and sealed by the Clerk and forwarded to the U.S. Marshal for service. FED. R. CIV. P. 4. The plaintiff is forewarned that failure to return the completed service packets within the time required could jeopardize his prosecution of this action.

Defendants Walter Hickman and Linda Hickman shall answer or otherwise respond to the complaint within twenty (20) days from the date of service. Defendants' failure to timely respond to the complaint will result in entry of judgment by default against defendants.

Plaintiff is **ORDERED** to inform the court, and the defendants or their counsel of record, immediately of any address changes. Failure to provide a correct address to this court within ten (10) days following any change of address will result in the dismissal of this action.

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42 U.S.C. § 1983, he must first allege and show that he has exhausted all available administrative remedies. 42 U.S.C. § 1997e. Plaintiff states there are no grievance procedures at the Meigs County Jail. Absent proof to the contrary, plaintiff has met his burden under § 1997e.

Because the plaintiff is an inmate in the Meigs County Jail, he is herewith assessed the civil filing fee of \$ 250.00. Pursuant to 28 U.S.C. § 1915(b)(1)(A) and (B), the custodian of the plaintiff's inmate trust account at the institution where he now resides is directed to submit to the Clerk, U.S. District Court, P.O. Box 591, Chattanooga, Tennessee 37401, as an initial partial payment, whichever is greater of:

(a) twenty percent (20%) of the average monthly deposits to the plaintiff's inmate trust account; *or*

(b) twenty percent (20%) of the average monthly balance in the plaintiff's inmate trust account for the six-month period preceding the filing of the complaint.

Thereafter, the custodian shall submit twenty percent (20%) of the plaintiff's preceding monthly income (or income credited to the plaintiff's trust account for the preceding month), but only when such monthly income exceeds ten dollars (\$10.00), until the full filing fee of two hundred fifty dollars (\$ 250.00) as authorized under 28 U.S.C. § 1914(a) has been paid to the Clerk. 28 U.S.C. § 1915(b)(2).

The Clerk is **DIRECTED** to send a copy of this Order to the Sheriff of Meigs County, Tennessee, and the county attorney for Meigs County, Tennessee, to ensure that the custodian of the plaintiff's inmate trust account complies with that portion of the Prison Litigation Reform Act relating to payment of the filing fee. The Clerk is further

**DIRECTED** to forward a copy of this Memorandum and Order to the court's financial deputy.

SO ORDERED.

ENTER this *4th day of November, 2005*.

                    /s/ R. Allan Edgar                      
R. ALLAN EDGAR  
UNITED STATES DISTRICT JUDGE